IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 26494 of 2007(D)

PETITIONER:

DR.GEORGE LAZAR K., DENTAL SURGEON,
NIRMALA MATHA DENTAL CLINIC,
NEAR KIZHAKKUMPATTUKARA BUS STOP,
PALAKKAD ROAD, THRISSUR DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:

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1. THRISSUR CORPORATION, REP. BY ITS
SECRETARY, OFFICE OF THE THRISSUR CORPORATION,
THRISSUR.

2. THE SECRETARY,
THRISSUR CORPORATION, THRISSUR.

3. THE ASSISTANT SECRETARY,
ELECTRICITY DEPARTMENT, THRISSUR CORPORATION,
THRISSUR.

BY SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATIO
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 26494 of 2007

Dated, this the 4th day of December, 2007

J U D G M E N T

Petitioner is a dental doctor, who is running a dental clinic in a newly constructed building within Thrissur Corporation. The electricity connection enjoyed by the petitioner is a temporary connection given to his mother in 1997 for construction of the building. After construction of the building, property is assigned to petitioner and the petitioner thereafter applied for regularisation of the connection, which is not granted by the Corporation. Learned standing counsel appearing for the 1st respondent submitted that petitioner has not complied with the formalities, in as much as completion certificate of construction of the building, documents of title in his favour etc. are not submitted. Moreover, according to him, temporary connection given to petitioner's mother for construction of the building cannot be regularized in favour of the petitioner. Even though the technical objection raised by the Corporation has some relevance, I find lapses on the part of the Corporation are more because after completion of construction of building, the temporary connection should have been disconnected, which was not done by the Corporation. On the other hand,

petitioner was allowed to use the said connection for the last several years. The Corporation does not appear to have granted a number to the building and collected any tax for the last nearly 10 years. This is a major lapse on the part of the Corporation because property tax is a major revenue for the Corporation. Besides all these, petitioner is required to pay profession tax, which should have been collected by the Corporation from the petitioner. Therefore, keeping the petitioner out of the record of the Corporation suits the petitioner better, and it will adversely affect the Corporation only. In any case, I feel, in public interest, the Corporation should be directed to discharge its responsibilities, not only for the benefit of the petitioner but also for the benefit of the Corporation itself. If petitioner's mother has assigned property to him, then, I see no reason why temporary connection given in the same property to his mother, cannot be converted to a regular connection in the name of the petitioner. The objection raised by the Corporation is technical and out dated. In the circumstances, this writ petition is disposed of directing respondents 2 & 3 to regularise the connection in petitioner's name with immediate effect on petitioner complying with all the formalities. The Corporation is

bound to number the building and collect property tax and profession tax from the petitioner to the extent applicable. If there is any default in the part of the Corporation officials, the Corporation should take action against the Officers involved.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg